

(b) Insert the clause at 52.222-19, Child Labor—Cooperation with Authorities and Remedies, in all solicitations and contracts for the acquisition of supplies that are expected to exceed the micro-purchase threshold.

Subpart 22.16—Notification of Employee Rights Concerning Payment of Union Dues or Fees

SOURCE: 69 FR 76353, Dec. 20, 2004, unless otherwise noted.

22.1600 Scope of subpart.

This subpart prescribes policies and procedures to implement Executive Order 13201, February 17, 2001.

22.1601 Definitions.

As used in this subpart—

Secretary means the Secretary of Labor, U.S. Department of Labor.

United States means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.

22.1602 Policy.

Executive Order 13201 generally requires contractors to post a notice informing employees of their rights concerning payment of union dues or fees and to include this requirement in subcontracts and purchases that exceed the simplified acquisition threshold.

22.1603 Exemptions granted by the Secretary of Labor.

(a) The Secretary may grant exemptions from the requirements of this subpart, including the requirement to include the clause at 52.222-39, or parts of that clause, in contracts. Requests for exemptions may be submitted in accordance with Department of Labor regulations at 29 CFR 470.3.

(b) The requirements of this subpart do not apply to contracts or subcontracts or purchases that do not exceed the simplified acquisition threshold.

22.1604 Compliance investigations and sanctions for violations.

The Secretary may investigate any contractor, subcontractor, or vendor to determine if any of the requirements of the clause at 52.222-39 have been violated. The procedures for conducting the investigations and effecting the sanctions are in 29 CFR part 470, Subpart B—Compliance Evaluations, Complaint Investigations and Enforcement Procedures. If the Secretary determines that there has been a violation, the Secretary may, to the extent authorized by 29 CFR 470.14 (which, in part, requires coordination between the head of the agency and the Secretary), direct that the contract be cancelled, terminated, or suspended in whole or in part. The Secretary may also declare the contractor ineligible for further Government contracts. Each contracting agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions.

22.1605 Contract clause.

Insert the clause at 52.222-39, Notification of Employee Rights Concerning Payment of Union Dues or Fees, in all solicitations and contracts, except—

(a) Acquisitions that do not exceed the simplified acquisition threshold. For indefinite quantity contracts, include the clause only if the value of orders in any calendar year of the contract is expected to exceed the simplified acquisition threshold; or

(b) Contracts covered by an exemption granted by the Secretary of Labor. A contracting agency may modify the clause at 52.222-39, if necessary, to reflect an exemption granted by the Secretary (see 22.1603(a)).

PART 23—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Sec.

23.000 Scope.

23.001 Definition.

Subpart 23.1 [Reserved]

23.000

Subpart 23.2—Energy and Water Efficiency and Renewable Energy

- 23.200 Scope.
- 23.201 Authorities.
- 23.202 Policy.
- 23.203 Energy-efficient products.
- 23.204 Energy-savings performance contracts.

Subpart 23.3—Hazardous Material Identification and Material Safety Data

- 23.300 Scope of subpart.
- 23.301 Definition.
- 23.302 Policy.
- 23.303 Contract clause.

Subpart 23.4—Use of Recovered Materials

- 23.400 Scope of subpart.
- 23.401 Definition.
- 23.402 Authorities.
- 23.403 Policy.
- 23.404 Agency affirmative procurement programs.
- 23.405 Procedures.
- 23.406 Solicitation provision and contract clause.

Subpart 23.5—Drug-Free Workplace

- 23.500 Scope of subpart.
- 23.501 Applicability.
- 23.502 Authority.
- 23.503 Definitions.
- 23.504 Policy.
- 23.505 Contract clause.
- 23.506 Suspension of payments, termination of contract, and debarment and suspension actions.

Subpart 23.6—Notice of Radioactive Material

- 23.601 Requirements.
- 23.602 Contract clause.

Subpart 23.7—Contracting for Environmentally Preferable Products and Services

- 23.700 Scope.
- 23.701 Definition.
- 23.702 Authorities.
- 23.703 Policy.
- 23.704 Application to Government-owned or -leased facilities.
- 23.705 Contract clause.

Subpart 23.8—Ozone-Depleting Substances

- 23.800 Scope of subpart.
- 23.801 Authorities.
- 23.802 [Reserved]
- 23.803 Policy.
- 23.804 Contract clauses.

48 CFR Ch. 1 (10–1–05 Edition)

Subpart 23.9—Contractor Compliance With Toxic Chemical Release Reporting

- 23.901 Purpose.
- 23.902 General.
- 23.903 Applicability.
- 23.904 Policy.
- 23.905 Requirements.
- 23.906 Solicitation provision and contract clause.

Subpart 23.10—Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements

- 23.1000 Scope.
- 23.1001 Authorities.
- 23.1002 Applicability.
- 23.1003 Definitions.
- 23.1004 Requirements.
- 23.1005 Contract clause.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 48 FR 42275, Sept. 19, 1983, unless otherwise noted.

23.000 Scope.

This part prescribes acquisition policies and procedures supporting the Government's program for ensuring a drug-free workplace and for protecting and improving the quality of the environment by

- (a) Controlling pollution;
- (b) Managing energy and water use in Government facilities efficiently;
- (c) Using renewable energy and renewable energy technologies;
- (d) Acquiring energy- and water-efficient products and services, environmentally preferable products, and products that use recovered materials; and
- (e) Requiring contractors to identify hazardous materials.

[66 FR 65352, Dec. 18, 2001]

23.001 Definition.

Toxic chemical, as used in this part, means a chemical or chemical category listed in 40 CFR 372.65.

[68 FR 43869, July 24, 2003]

Subpart 23.1 [Reserved]

Subpart 23.2—Energy and Water Efficiency and Renewable Energy

SOURCE: 66 FR 65352, Dec. 18, 2001, unless otherwise noted.